

1 MS. POLIVY: Well, it wouldn't show anything as to
2 the client at all, Your Honor.

3 MR. EISEN: Exactly. But, well -- for the first
4 time, we have heard that there is some difference between
5 the billing records that the Press, apparently, wants. I
6 mean, I interpreted this request to relate to those bills
7 that were sent to RBC, that would reflect work done by the
8 firm of Renouf & Polivy on its applications. And I don't
9 think there is any problem with that, if you feel that they
10 are relevant. But anything beyond that, I just don't see
11 what the relevance is.

12 JUDGE CHACHKIN: Well, isn't that what is being
13 requested?

14 MR. EISEN: That is the problem, I don't know.

15 MR. COLE: If you would listen --

16 MR. MOSKOWITZ: If you notice, Your Honor, in the
17 --

18 MR. EISEN: The first response --

19 MR. MOSKOWITZ: -- the first response --

20 MR. EISEN: Here you go.

21 MR. MOSKOWITZ: We objected to -- what was in our
22 control and the Press believes that as a routine matter of a
23 client meeting obtained from its counsel, all documents
24 relating to its accounts with this counsel.

25 MR. EISEN: But -- all documents?

1 MR. MOSKOWITZ: Well, not necessarily, and not
2 usually. When you get the bills, you don't often get the
3 internal accounting breakdowns.

4 MR. COLE: And that is precisely the problem, Your
5 Honor, that the bill itself is not necessarily going to be
6 illuminating as to the issues. The underlying information
7 that we are looking for relates to the context -- any
8 context by representative at Rainbow, at the law firm of
9 Renouf & Polivy, concerning the applications --

10 MS. POLIVY: Renouf, Renouf.

11 MR. COLE: Renouf & Polivy --

12 MS. POLIVY: Mr. Cole, Renouf.

13 MR. COLE: -- excuse me. I apologize. Between
14 Renouf & Polivy and the FCC staff concerning the
15 applications during the pendency of the application.

16 JUDGE CHACHKIN: All right, I --

17 MS. POLIVY: Your Honor, may I just say that even
18 if you looked at my calendar, you wouldn't be able to tell
19 that because --

20 JUDGE CHACHKIN: Well, if there aren't anything in
21 the billing records --

22 MS. POLIVY: Well, no it isn't the fact -- it
23 isn't a fact that there may or may not be anything. But
24 there would be no way of knowing what the subject was. I
25 mean, this is a period during which applications were

1 pending. It may or may not have anything to do with the
2 applications.

3 JUDGE CHACHKIN: I understand that. But then he
4 can question you or someone else concerning what that date
5 was, what took place and use this as a basis for
6 questioning.

7 MS. POLIVY: Well, Your Honor, then you are saying
8 that you want me to give him those redacted portions. I --
9 not my entire calendar.

10 JUDGE CHACHKIN: Well, I think that is a fair.

11 MR. COLE: I am not interested in Ms. Polivy's
12 other, non-Rainbow related matters.

13 MS. POLIVY: No, no, no. You are, as I understand
14 it, you are interested in my contacts with the Commission
15 staff?

16 JUDGE CHACHKIN: Isn't that correct, Mr. Cole?

17 MR. COLE: That is correct.

18 JUDGE CHACHKIN: All right, then.

19 MS. POLIVY: So then that is what you want?

20 MR. COLE: Well, I am also interested in --

21 MS. POLIVY: I am not -- every thing else that I
22 did with respect to a client, Your Honor, that is an
23 invasion that -- there is no warrant for.

24 MR. COLE: Again, Your Honor, I --

25 JUDGE CHACHKIN: Isn't that what you want?

1 MR. COLE: Yes. I am certainly interested in any
2 information regarding communications -- not, necessarily,
3 solely by Ms. Polivy but, for example, if she spoke with Ms.
4 Cook.

5 MS. POLIVY: Your Honor, I --

6 JUDGE CHACHKIN: Oh, you ask for that later on, I
7 believe.

8 MR. COLE: I understand that I ask for that later
9 on.

10 MS. POLIVY: And, Your Honor, I speak with Ms.
11 Cook about many subjects.

12 MR. COLE: But to the extent, Your Honor, that
13 conversations between Ms. Polivy and Ms. Cook were charged
14 to Rainbow, I would like to know that. I would like to know
15 when those communications occurred and how long they lasted.

16 JUDGE CHACHKIN: Well, that is something else when
17 we get to another --

18 MR. COLE: Well, it is something else, but that
19 would certainly be encompassed in this. For example, if
20 there is a billing record somewhere in their files, that
21 shows that Ms. Polivy spent "X" amount of time on a certain
22 date conversing with Ms. Cook and, that conversation -- or
23 the time spent on that conversation was charged to Rainbow,
24 I think we are entitled to know that.

25 JUDGE CHACHKIN: You are saying that if Ms. Cook

1 acting on behalf of Rainbow's behalf and was billed and
2 would pay for that, is that what you are talking about?

3 MR. COLE: I'm saying -- no, if Ms. Polivy, if her
4 billing records from work show conversation with Ms. Cook,
5 and the time Ms. Polivy spent on that conversation was
6 during the relevant time period -- that is, during the
7 pendency of the application -- and was charged to Rainbow --

8 JUDGE CHACHKIN: And if it related to the staff,
9 discussions with the staff by Ms. Cook?

10 MR. COLE: No, I would like to know -- I just want
11 to know when the conversations occurred. Because we know
12 that Ms. Polivy asked Ms. Cook to call the FCC --

13 JUDGE CHACHKIN: All right. All right.

14 MR. COLE: We don't know when that happened.

15 JUDGE CHACHKIN: All right. Insofar as there are
16 any billing records --

17 MS. POLIVY: Yes we do know when that happened.
18 The -- report says when it happened.

19 JUDGE CHACHKIN: Fine, but I think this is very
20 limited. If there are any billing records, dealing with
21 discussions that you had with Ms. Cook, concerning Rainbow,
22 not any other subject, but concerning Rainbow, I think those
23 records should also be produced.

24 Now with dealing with records that you have
25 concerning your conversations -- your discussions with

1 Commission staff, and concerning Ms. Cooks' discussions with
2 Commission staff, that is the two areas that you are
3 interested in?

4 MR. COLE: That is correct, Your Honor. Although,
5 I am concerned that by narrowing it quite that way --

6 JUDGE CHACHKIN: Well, as far as Ms. Cook -- of
7 any discussions relating to Rainbow --

8 MR. COLE: Well, yes, any -- the way I would
9 prefer to see it phrased is any conversations with Ms. Cook
10 during the relevant time period, the time for which was
11 charged to Rainbow.

12 JUDGE CHACHKIN: All right. That is reasonable.
13 I don't think that is too much. All right, let's proceed.

14 MR. EISEN: Well, I would just like to ask one
15 follow up on that, if I may?

16 JUDGE CHACHKIN: Yes.

17 MR. EISEN: Does that include the bills that were
18 directly sent to Rainbow or not?

19 MR. COLE: Yes.

20 MR. EISEN: Or are you assuming that it is going
21 to subsumed within the billing records of the firm?

22 MR. COLE: No, I would like to see those and I
23 would like to see the underlying documents.

24 MS. POLIVY: Your Honor, I will stipulate, those
25 will not show that in the billing records.

1 JUDGE CHACHKIN: If they don't show it then you
2 have no documents to produce, that is all.

3 MS. POLIVY: Within the frame work that you have
4 set up the --

5 JUDGE CHACHKIN: Right.

6 MS. POLIVY: -- billing records. Those bills
7 would be irrelevant.

8 JUDGE CHACHKIN: Well, if there are no billing
9 records reflecting that, then --

10 Request 11, now you want to know -- you want the
11 telephone records between whom? What are you asking for
12 here. What telephone records are you seeking?

13 MR. COLE: I am trying to find telephone records
14 so we can determine where phone calls were made to during
15 the six week period, June 18, 1993 to July 1993.

16 JUDGE CHACHKIN: For the Commission staff? Is
17 that what you are talking about?

18 MR. COLE: We are trying to find any phone calls
19 that were -- what we want to find out in particular is, when
20 the phone calls went to Ms. Cook in this period of time,
21 phone calls -- and the relationship between those phone
22 calls and the phone calls out to other Rainbow personnel,
23 and, basically, what we are trying -- this is the crucial
24 time period leading up to, and immediately following, the
25 July 1 meeting.

1 JUDGE CHACHKIN: Now, you want --

2 MR. COLE: What we are trying to find is, where
3 the phone calls went, who spoke with whom, for how long, and
4 when.

5 MR. EISEN: But the problem is with the receiver
6 of the phone calls. This is the difficulty with many of the
7 Presses requests. There is a total lack of specificity.
8 Now, I agree that Mr. Cole tried to rehabilitate this for
9 the first time in his motion, but without knowing who the
10 receivers are and how it relates to the specific issues, I
11 think it is just too broad to possibly respond to with any
12 kind of efficiency. And it is unfair.

13 MR. COLE: Your Honor, one of the problems with
14 the ex parte issue is that we have been -- we were kept in
15 the dark at that point, we have been largely kept in the
16 dark since then. We are trying to develop a factual record
17 as to what actually happened --

18 MS. POLIVY: Your Honor, we --

19 MR. COLE: -- leading up to the July 1 meeting,
20 and --

21 JUDGE CHACHKIN: Well, --

22 MR. EISEN: All Mr. Cole had to do was to specify
23 in some way, who the receiver of these telephone calls is?

24 MR. COLE: I don't know who the receiver of might
25 be.

1 MR. EISEN: Well, but then you can't just ask for
2 every --

3 MS. POLIVY: Who are the relevant people?

4 MR. EISEN: -- telephone call in the world that is
5 made referred to RBC.

6 MR. COLE: It is a six week period, why not?

7 MS. POLIVY: So what?

8 JUDGE CHACHKIN: Who are the receivers, are you
9 talking about members of the Commission staff, is that one
10 of the receivers?

11 MR. COLE: Your Honor, I don't know who might be
12 the receivers.

13 JUDGE CHACHKIN: But we are talking about the ex
14 parte issue --

15 MR. COLE: Yes.

16 JUDGE CHACHKIN: It would have to involve members
17 of the Commission staff or somebody else who participated
18 in, and possibly could have participated --

19 MR. COLE: That is correct. And that is --

20 MS. POLIVY: But we have --

21 MR. EISEN: That is the problem, Your Honor.

22 MR. COLE: -- possibly could have participated,
23 and I don't know who else possibly could have participated.

24 MS. POLIVY: We don't either, Your Honor.

25 MR. EISEN: We would certainly be willing to

1 produce any documents that relate to the contacts with the
2 Commission's staff on the receiving end, if they relate to
3 this issue.

4 MR. COLE: How would you -- answer to my question,
5 how will they find that out for me, from the phone numbers?

6 MS. POLIVY: I have no idea.

7 JUDGE CHACHKIN: But Mr. Cole is going to do that
8 work himself.

9 MS. POLIVY: Well, Your Honor, he is not entitled
10 to every call to the grocer -- this is not the CIA. We are
11 getting way out of line here.

12 JUDGE CHACHKIN: It is communications made on
13 behalf of RBC, we are talking about.

14 MS. POLIVY: By whom?

15 MR. COLE: Again, Your Honor, the universe of
16 people who might have been involved, I couldn't tell you. I
17 could certainly name some of them. But is that a
18 comprehensive universe? I do not know that. And I am
19 trying to pin that down. I want to know who was called, who
20 they called, on behalf of RBC.

21 We are not talking -- and this is, I think, the
22 most narrowly restricted time frame of any of the document
23 requests because it focuses on the crucial point between Ms.
24 Kreisman's letter and Mr. Stewart's letter.

25 MS. POLIVY: What is --

1 MR. EISEN: The inspector general's report that
2 includes the name of the number of SEC staff persons, it
3 could very easily have been put into this request and it
4 would have been very easy to respond to, instead of giving
5 up some amorphus thing that says, all contacts on behalf of
6 RBC.

7 MR. COLE: Because I don't know that those are the
8 only contacts that were made?

9 MS. POLIVY: Your Honor, --

10 JUDGE CHACHKIN: But you are only interested in
11 contacts with Commission staff, aren't you?

12 MR. COLE: Your Honor, I am also interested in
13 contacts with Ms. Cook.

14 JUDGE CHACHKIN: Yes.

15 MR. COLE: Because that would certainly relate to
16 other comments. I am also interested in contacts with -- it
17 is conceivable, and again, I can see that there is some
18 level of speculation in this, but it is -- to the fact that
19 we don't know all the facts. It is conceivable that other
20 efforts were made to enlist other people besides Ms. Cook --

21 JUDGE CHACHKIN: Well, let's -- I mean, if you
22 find information of that nature out from depositions, then
23 you can pursuit it, but you just can't engage in
24 speculation. Everything is conceivable in this world. But
25 we have to proceed on what some germ of information that we

1 have.

2 And we certainly have past records here. We are
3 not completely operating in the dark. Now, I am going to
4 limit this to representatives -- either principals or
5 representatives RBC made to the Commission staff or made to
6 Ms. Cook. Now, if you have anybody else you want to name,
7 give me the name now and I will include it. Otherwise, if
8 you find out later on, about somebody else, we can proceed
9 further.

10 MR. EISEN: Thank you, Your Honor.

11 JUDGE CHACHKIN: But that's what we have right
12 now. So that is the way it is limited.

13 MS. POLIVY: Your Honor, may I --

14 JUDGE CHACHKIN: Yes. You want a five minute
15 recess?

16 MS. POLIVY: Yes. I was supposed to pick up my
17 niece.

18 JUDGE CHACHKIN: All right. We will take a five
19 minute recess at this time.

20 (Whereupon, a brief recess was taken.)

21 //

22 //

23 //

24 //

1 JUDGE CHACHKIN: On the record.

2 We finish with 1I. Let's proceed as quickly as we
3 can. 1K: All documents and the records of RBC or any of
4 its representatives. Telephone number.

5 Haven't we dealt with this already?

6 MR. COLE: Yes. What I'm looking for there, Your
7 Honor, is just any record of what phone numbers Ms. Cook
8 would have been contacted at by RBC or anybody at RBC.

9 MR. EISEN: What is the relevance of that?

10 I'm sorry. I don't think we've dealt with it in
11 this context.

12 JUDGE CHACHKIN: All right. What is the relevance
13 to know what number she was contacted at as opposed to what
14 was the nature of the communications or any documents
15 relating to the communications?

16 MR. COLE: Because again, Your Honor, if I know
17 what the phone number is at which she might have been
18 contacted, I can go through independent sources to seek to
19 obtain telephone records which would reflect the telephone
20 records for that number to determine when phone calls were
21 made, to what numbers and so forth.

22 JUDGE CHACHKIN: Local calls you can?

23 MR. COLE: Not local calls. She is not local.
24 She was in New York at the time.

25 JUDGE CHACHKIN: Oh, she was in New York.

1 MR. MOSKOWITZ: The period is to date.

2 MR. EISEN: That's the other thing.

3 JUDGE CHACHKIN: January 25th, 1991 to date. Oh.
4 You have a problem with those dates.

5 MR. EISEN: Yes.

6 JUDGE CHACHKIN: Let's limit it to the times, the
7 only times that are relevant related to the ex parte
8 contacts would be -- what period are we talking about? I'm
9 not concerned about any contacts subsequent. What are we
10 talking about in terms of with the Commission staff?
11 There's no reason to get it for four years or five years.

12 MR. COLE: No.

13 JUDGE CHACHKIN: That doesn't make sense.

14 MR. COLE: We would be content, Your Honor, with
15 January 1, '93 to --

16 MS. POLIVY: Your Honor, the ex parte contact
17 could only have taken place that Ms. Cook was involved in
18 regarding after the staff issued its decision.

19 JUDGE CHACHKIN: All right. When was that?

20 MS. POLIVY: June 18.

21 JUDGE CHACHKIN: '93?

22 MS. POLIVY: And before the reconsideration which
23 was July 31st, '93.

24 JUDGE CHACHKIN: All right. Those are the dates
25 that we're talking about here.

1 2A? What are we talking about applications here?
2 What are we talking about? What time period are we talking
3 about and what applications are we talking about?

4 MR. COLE: The RBC application is a defined term
5 meaning any of the three captioned applications. The
6 certificate extension request --

7 JUDGE CHACHKIN: All right. So, fifth and sixth,
8 what is it?

9 MR. COLE: Fifth extension, sixth extension and
10 315, the assignment application which are the three
11 captioned applications.

12 JUDGE CHACHKIN: All right. We're interested in
13 fifth, sixth and assignment application here.

14 MS. POLIVY: Your Honor, that has nothing to do
15 with the financial misrepresentation, the assignment
16 application. The assignment application was the assignment
17 application.

18 JUDGE CHACHKIN: All right. That's true.

19 We're limiting it here to fifth and sixth
20 extension application.

21 MR. COLE: Well, Your Honor, again, let me restate
22 what I said this morning or earlier on today and that is the
23 assignment application was brought into the two extension
24 applications by Rainbow, itself, in its various pleadings in
25 its submissions to the Commission and I believe all three of

1 them are integrally involved.

2 MS. POLIVY: Your Honor, we did not bring it in.
3 The Commission captioned the altogether. Rainbow
4 Broadcasting Company did not rely upon Rainbow Broadcasting,
5 LTD. for its financing.

6 MR. COLE: And, yet, Rainbow Broadcasting Company
7 represented in April of '93 --

8 MS. POLIVY: Your Honor, we will present that
9 letter to you. We did not. In April '93, we said, if you
10 would act on this thing we would get moving. But it was not
11 -- we did not represent we needed them for financing.

12 JUDGE CHACHKIN: If you develop in your
13 depositions any showing showing LTD. involved in some
14 financing or anything, then I will permit you to seek those
15 documents. But at this time period only as it relates to
16 the fifth and sixth extension request.

17 MR. EISEN: Very good, Your Honor.

18 JUDGE CHACHKIN: 27? Apparently, the only
19 object --

20 MR. EISEN: 2B and C.

21 JUDGE CHACHKIN: 2B and C, I'm sorry. 2B and C,
22 paragraph 27.

23 Now, here's the information I assume that we're
24 talking about.

25 MR. EISEN: This is neutralized hopefully by the

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1 filing.

2 JUDGE CHACHKIN: Well, I'm going to require
3 whatever documents, if there are any additional documents
4 relating to this subject and, obviously, we have Mr.
5 Conant's, if there are any other contemporaneous documents,
6 you'll have to produce them, too.

7 MR. EISEN: Your Honor, I assume also you mean in
8 addition to those things that were submitted to the
9 Commission with the petition for reconsideration as well. A
10 lot of these documents have already been submitted.

11 JUDGE CHACHKIN: If any documents are already in
12 the public file, then you should identify the documents and
13 indicate where they can be found.

14 MR. EISEN: And by public file, you mean like
15 attachments to pleadings that have been filed --

16 JUDGE CHACHKIN: Yes. Attachments which are
17 available to all the parties.

18 MR. EISEN: Fine.

19 JUDGE CHACHKIN: But you should identify them and
20 indicate where they are. And as far as C, now, we do have
21 Mr. Conant's declaration and if there are any other
22 documents contemporaneous documents, they should be
23 provided.

24 Now, as far as 2D, and Mr. Cole points out that
25 apparently there is in the petition for reconsideration the

1 copy and agreement was included.

2 MR. COLE: That's correct.

3 JUDGE CHACHKIN: So, if there are any documents
4 relating to JRL Investments or John R. Loftus or their
5 relationship, they have to be produced. That's request 2D.

6 Request 2E. I am going to, under the
7 misrepresentation issue, it is my view that these documents
8 could be relevant since there is a question whether there
9 was any inconsistency that was said to the Commission --

10 MR. EISEN: The problem with that, it's basically
11 the files for that entire case.

12 JUDGE CHACHKIN: Is that publicly available?

13 MS. POLIVY: Yes.

14 JUDGE CHACHKIN: Where is it?

15 MR. EISEN: In Florida.

16 MS. POLIVY: In Florida.

17 JUDGE CHACHKIN: Do you have those documents? Do
18 you have the file?

19 MR. EISEN: No, Your Honor. We weren't counsel.

20 JUDGE CHACHKIN: Well, if you do not have the
21 file, then they can't produce the file.

22 MR. COLE: But Your Honor, it also goes to -- this
23 request goes to all agents and representatives and attorneys
24 and counsel and so forth.

25 JUDGE CHACHKIN: But who? Which ones?

1 MR. BLOCK: There is no reason why Rainbow as a
2 company couldn't call its counsel in Florida who should have
3 a copy of the file --

4 MS. POLIVY: And ship the whole --

5 MR. BLOCK: "Please ship it up."

6 JUDGE CHACHKIN: Do you want the entire file?

7 MR. BLOCK: Well, obviously --

8 JUDGE CHACHKIN: Or are we talking about --

9 MR. COLE: The documents delineated here which
10 reflect documents produced by Rainbow, relied upon by
11 Rainbow --

12 JUDGE CHACHKIN: What subject?

13 MR. COLE: I beg your pardon?

14 JUDGE CHACHKIN: Relating to what? Their
15 statements made with respect to financing or what? I mean I
16 assume there are other issues in this.

17 MS. POLIVY: I think there were multiple other
18 issues, Your Honor.

19 JUDGE CHACHKIN: Yes. I assume you limit it to
20 one issue. I mean you are not interested in irrelevant
21 material.

22 MR. COLE: That's correct, Your Honor. We are not
23 interested in irrelevant material, but I am interested, as I
24 understand the Miami litigation a central aspect of that was
25 Rainbow's ability to finance the construction of the station

1 in the event the requested Preliminary Injunction --

2 MS. POLIVY: Your Honor, this has nothing --

3 MR. EISEN: Your Honor, Press has its own presence
4 in Florida. And if they want to get truly relevant
5 information from this file before the District Court, it
6 seems to me that they can very easily access those files,
7 themselves.

8 MS. POLIVY: Your Honor?

9 JUDGE CHACHKIN: I'm not going to grant this
10 request. I agree with Mr. Eisen. If these documents are
11 readily available in court files and aren't confidential
12 then Press has the ability to have one of its principals or
13 agents go through the file and pick out which material they
14 feel is relevant. I don't think that's incumbent upon
15 Rainbow to do that work.

16 MR. COLE: Your Honor, for openers, sub (1),
17 documents produced by RBC or its principals in response to
18 discovery would not necessarily be in the public file
19 because as I understand in District Court litigation,
20 documents are not filed with the court, they are just
21 produced to the other party.

22 MS. POLIVY: Your Honor, I would point out that
23 those -- we do not have any of those documents. I don't
24 know whether documents were produced, whether they were
25 requested, in fact.

1 Mr. Cole's rendition of what was involved in that
2 proceeding in Florida, the financial question was a very
3 tangential question. It went only to whether or not Rainbow
4 had made an indication of irreparable harm in a preliminary
5 injunction hearing and what we were talking about in the
6 proceeding was whether or not Rainbow had a right, an
7 exclusive right to a 1500-foot slot on a tower.

8 The proceeding was not about Rainbow's
9 qualification. The proceeding was about the exclusivity of
10 the lease. The only way that this came up at all was in an
11 irreparable harm showing as part of a preliminary injunction
12 hearing.

13 JUDGE CHACKIN: Counsel does not have the
14 records. What I am going to require you to do, I'm going to
15 require you to hire an agent or have your principals in
16 Florida go through the public records and if there is any
17 reference in there, the documents which you feel are
18 relevant, then you can make that request based on your
19 examination of the public records. I'm not requiring them
20 to go through all the records and find any documents used in
21 litigation. And then you can make a more specific request
22 for such documents based on your examination of the public
23 record and then you can come back and make that request. So
24 at this time, I'm not going to grant Request 2E.

25 As far as 2F is concerned, I think I have already

1 indicated that I'm going to require the production of any
2 documents relied on by RBC up to the time of the assignment
3 concerning their ability to finance the station and whatever
4 those documents may be. I don't see a check register -- but
5 it has to be relating to their ability to finance the
6 station.

7 MR. EISEN: Also, there is a proprietary aspect to
8 some of this information. I just raise it for Your Honor.

9 JUDGE CHACHKIN: What is that?

10 MR. EISEN: Press and Rainbow are in competition.

11 MS. POLIVY: He's not talking about that.

12 MR. EISEN: No. Okay. You're right.

13 JUDGE CHACHKIN: We're talking about Broadcasting
14 Company.

15 MS. POLIVY: Company.

16 MR. EISEN: Yes, I understand.

17 JUDGE CHACHKIN: We're dealing with Rainbow
18 Broadcasting Company.

19 MS. POLIVY: And you are talking about their
20 ability to conduct operations?

21 JUDGE CHACHKIN: During all the period, the filing
22 of the first RBC application. You're talking about --
23 what's the first RBC application?

24 MS. POLIVY: The extension.

25 JUDGE CHACHKIN: The fifth extension request?

1 MS. POLIVY: Yes.

2 JUDGE CHACHKIN: Well, that's certainly relevant.

3 And as far as the specific documents themselves are
4 concerned, as I have indicated, I don't see how bank
5 signature cards or tax returns or documents relating to
6 pledge or mortgage, security interest --

7 MS. POLIVY: Unless we were relying on it.

8 JUDGE CHACHKIN: Well, whatever documents they're
9 relying on, they got to produce to you -- they have the
10 burden in the proceeding and they have to produce to you
11 whatever financial documents they were relying on up to the
12 time of the assignment, without limitation. I'll leave it
13 that way.

14 JUDGE CHACHKIN: Is that understood?

15 MR. COLE: Yes, Your Honor.

16 JUDGE CHACHKIN: All right. 2G has been
17 withdrawn; as far as 2H is concerned, I will grant 2H as
18 revised. Again, we're talking up to the time of the
19 assignment. Understood?

20 MR. COLE: Yes, Your Honor.

21 JUDGE CHACHKIN: 2I is concerned, I don't see how
22 its relevant, the assignment of the station construction
23 permit by RBC to RBL or the formation of Rainbow
24 Broadcasting, LTD., how that's relevant.

25 MR. COLE: Again, Your Honor, to the extent that

1 the two sets of indicia on which I'm relying for this
2 request are, first, Rainbow's repeated statements throughout
3 the pleading phase of this proceeding --

4 JUDGE CHACHKIN: Well, let me cut you off. If you
5 want to file any separate request for documents predicated
6 on some representation of Rainbow, then I will permit you to
7 do so and we will consider it if there is any objection.

8 MR. COLE: Thank you, Your Honor.

9 JUDGE CHACHKIN: 3A(3). There's no objection to
10 3A(3) I gather. Oh, there is an objection to 3A(3). What
11 is the base of the objection to 3A(3).

12 MR. EISEN: Wait, Your Honor.

13 Actually, the word, "pleadings," in the individual
14 request was something that I felt, that we felt was --

15 JUDGE CHACHKIN: Has that been satisfied now or do
16 you still have problems with the word, "pleadings."

17 It says, "Documents relating to the preparation
18 materials in which RBC addresses those allegations for the
19 Commission of the Court of Appeals." Is that now clear? If
20 you have such documents -- again, you may not have those
21 documents since -- well, you would have those documents
22 since RBC filed it. Are there any documents relating to the
23 assertion they're construction of the station had been
24 delayed because of a dispute with RBC's tower landlord.

25 MR. EISEN: Only what's in the record.

1 JUDGE CHACHKIN: Well, it may be -- I don't know
2 what correspondence or anything may exist which may deal
3 with the statement. If there are such documents, they may
4 be -- we'll have to find out if there are such documents.
5 Do you have an understanding of what he's seeking here?

6 MR. EISEN: No, my only point was they are matters
7 that have already been before the Commission that Press
8 would have as much access --

9 JUDGE CHACHKIN: Well, Press would only have what
10 was publicly filed.

11 MR. EISEN: What you're saying is if there is any
12 in addition to those matters that have been filed.

13 JUDGE CHACHKIN: Yes. I assume Press doesn't want
14 things which are already in the public trial.

15 MR. COLE: That's correct. And I assume that
16 those would just be identified and I can go look in my files
17 and try --

18 MR. EISEN: Well, under your previous order,
19 that's exactly what we did.

20 JUDGE CHACHKIN: But if there are any documents
21 between the parties, between counsel and the parties dealing
22 with the subject matter, I don't know if there are anything
23 of that nature.

24 MR. EISEN: Okay.

25 JUDGE CHACHKIN: I think that takes care of all of